

SENATE BILL 1130
By Crowe

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 10, Part 1, relative to the storage of and access to firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 10, Part 1, is amended by adding Section 2 of this act as a new, appropriately designated section.

SECTION 2.

(a) The title of this act is, and may be cited as, "Daniel's Law".

(b) As used in this section, :

(1) "Ammunition" means any cartridge, shell or other device containing explosive or incendiary material that is designed or intended for use in a firearm;

(2) "Firearm" means a device as defined in Tennessee Code Annotated, Section 39-11-106(11);

(3) "Locking device" means a device which temporarily prevents the firearm from functioning; and

(4) "Child" means any person less than sixteen (16) years of age.

(c) Notwithstanding the provisions of this part or any other law to the contrary,

IF an adult leaves or stores a loaded firearm, or an unloaded firearm accompanied by ammunition, in any location where such adult knows or reasonably should know that a child is likely to gain access to such firearm; **AND**

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IF a child subsequently gains access to such firearm and uses such firearm to negligently or maliciously cause injury to the person or property of another, **THEN**

The adult and the child shall be jointly and severally liable for the full amount of compensatory damages arising from such injury and the recovery limits set forth within this part shall not apply.

(d) It is a defense to liability pursuant to subsection (c) that:

(1) The firearm was secured by a trigger lock mechanism or other similar locking device that prevents the firearm from discharging;

(2) The firearm was placed in a securely locked box or container or was placed in some other location which a reasonable person would believe to be secure from a child;

(3) Based on objective facts and circumstances, there was no reasonable expectation by the adult leaving or storing the firearm that a child was likely to be present on the premises where the firearm was left or stored;

(4) The child's access to the firearm was gained as the result of a burglary; or

(5) The child's access to the firearm was gained from a law enforcement officer or a member of the armed forces or national guard during or incidental to the officer's official duties.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it.

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